



**US Army Corps
of Engineers®**
New York District

REVISED DRAFT
Integrated Hurricane Sandy
General Reevaluation Report
and
Environmental Impact Statement

Atlantic Coast of New York

East Rockaway Inlet to
Rockaway Inlet and Jamaica Bay

Appendix D
Environmental Compliance

Attachment D5
Coastal Zone Management Program
Federal Consistency Determination

August 2018

East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Reformulation Study

Revised Draft General Reevaluation Report and Environmental Impact Statement

New York (and New York City Local Waterfront Development Plan) Coastal Zone Management Program Federal Consistency Determination

As required under the Federal Coastal Zone Management Act, the USACE reviewed the Atlantic Ocean Shorefront Coastal Storm Reduction Management Unit (CSRMU) of the Recommended Plan in relation to the applicable policies of the New York State Coastal Zone Management Program. A number of questions under Part C of the New York State Coastal Management Program (NYS CMP) Federal Consistency Assessment Form (New York State Department of State (NYS DOS), Division of Coastal Resources (DCR), 2003b) were answered in the affirmative; therefore, as stated under Part D, number two, it is necessary to analyze the Project in more detail with respect to its consistency with the *State Coastal Policies* (NYS DOS DCR, 2003c) of the NYS CMP, as well as New York City's *The New Waterfront Revitalization Program* (WRP) (New York City Department of City Planning, Consistency Assessment Form 2016). Following is a list of the State and city policies in question and a brief statement of how the Project is consistent with each of these policies. Policies that are not listed were answered in the negative with respect to this Project.

1 DEVELOPMENT POLICIES

1.1 Policy 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses. (Question 1c)

The Project will restore deteriorated waterfront areas along the Atlantic shorefront and along the Jamaica Bay / Back Bay on Rockaway peninsula. The project will protect the environment and human development around Jamaica Bay, as well as coastal resources of Kings, Queens, and Nassau counties, which will enhance existing and anticipated recreational uses in the future, namely the use of Rockaway Beach and the recently improved Rockaway Boardwalk. The Project will renourish the beachfront and improve existing groins, as well as offer flood protection to residents and enhance natural resources along the Jamaica Bay perimeter, to further reduce the type of damage to all waterfront areas (natural and residential areas), that occurred during Hurricane Sandy. Accordingly, the Project is consistent and compatible with the character of the area, will not adversely affect adjacent and upland views, will not cause further deterioration of the shoreline, and will reduce the extent of adverse impacts to the economic base of the community from potential future coastal storms similar to Hurricane Sandy.



1.2 Policy 2

Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters. (Questions 1b and 3a)

The Project includes flood and erosion protection structures that will physically alter land along the shoreline and under coastal waters, and requires siting of water-dependent uses and facilities along the Atlantic Ocean shorefront and along the Jamaica Bay / Back Bay shoreline on the Rockaway peninsula. The Project will not preempt the reasonably foreseeable development of water-dependent uses. The Project is designed to add to the public use and enjoyment of the water's edge, as well as reducing the extent of damage to coastal resources that occurred during Hurricane Sandy. The guidelines for site choices listed under this policy apply to this Project as follows:

1. Competition for space: The Project will provide increased protection to water-dependent activities as well as to existing and reasonably foreseeable development located inland of the CSRUMUs. There is no competing use for the CSRMU locations.
2. In-place facilities and services: Existing in-place facilities and service will be sufficient to support this Project.
3. Access to navigational channels: Shipping, fishing, and boating activities are not planned for the Project site. The Project will not prevent access to existing navigation channels
4. Compatibility with adjacent uses and protection of other coastal resources: The Project is compatible with adjacent properties and will enhance the surrounding community and environmental quality of Rockaway by protecting coastal resources from damaging coastal storms similar to Hurricane Sandy.
5. Preference to underutilized sites: Not applicable to the Project. However, the Project protects underutilized sites from coastal storm damage.
6. Providing for expansion: The Project does not prevent current or reasonably foreseeable future water-dependent uses. The CSRUMUs are designed to provide 50-years of coastal storm protection with a minimal footprint such that long-term space needs and future demand for land are not limited.

2 FISH AND WILDLIFE POLICIES

2.1 Policy 7

Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats. (Question 2c)

The Project will affect and be located in the NYSDEC-designated Critical Environmental Area. The Project involves dredging and excavation, physical alteration of shore area through beach renourishment and construction of flood protection and environmental enhancement features and structures. The Project will protect coastal habitat and reduce damage from coastal storms similar to Hurricane Sandy, which is in direct accord with this policy, as well as the direction of *The New Waterfront Revitalization Program* regarding Special Natural Waterfront Areas



(SWNA); the western portion of the Rockaway peninsula is a proposed SNWA as of October 30, 2013. Accordingly, the Project will increase the quality and quantity of the physical, biological, and chemical parameters along the Atlantic shorefronts of the Rockaway Peninsula and Jamaica Bay Back Bay shoreline.

This policy requires that a narrative for each significant habitat be provided to aid in consistency determination. As stated above, the Project area has been identified by NYSDEC as a CEA and by NYC as a proposed SWNA. Following is a narrative for the Project site, noting the five required items.

- (1) The Project is located in Kings and Queens counties, and will provide protection to coastal areas in these counties as well as southwestern Nassau County.
- (2) The Jamaica Bay Ecological Restoration and Research Team reports (Tanacredi *et al*, 2002) observed many different types of vegetative, fish, bird, and other wildlife species. These species are discussed in the Revised Draft Integrated General Reevaluation Report and Environmental Impact Statement (RDGRR/EIS).
- (3) Physical, biological, and chemical parameters that will be improved and/or increased by the Project include protection of coastal habitat and associated wildlife and habitat and erosion control.
- (4) Dredging would be a potential activity to impact offshore coastal habitat, while beachfront renourishment, groins, and seawalls will require filling along the coastline and may impact nearshore benthic, fish and bird habitat. However, all work will utilize best management practices to limit impacts to offshore benthic and fish communities.
- (5) The quantitative basis used to rate the habitat is provided in the RDGRR/EIS.

3 FLOODING AND EROSION HAZARDS POLICIES

3.1 Policy 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion. (Questions 1a, 1b, and 2b)

The Project will result in physical changes to the Atlantic shorefront and the Back Bay of Jamaica Bay, Rockaway. The Project is also located in a federally-designated flood hazard area. However, the Project is designed to protect coastal resources in these areas through a combination of seawalls, groins, floodwalls, bulkheads, nature-based non-structural features and beach renourishment. Therefore, the Project will minimize damage to property and reduce the risk to human lives caused by flooding and erosion from coastal storms similar to Hurricane Sandy.

3.2 Policy 12

Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs. (Question 1b and 2b)



The Project will require physical alteration of onshore and offshore coastal area; is located in flood and erosion hazard areas; and will affect beaches, dunes, and barrier islands. However, the coastal resources this policy is intended to protect will be protected by the Project, which will reduce damage to these coastal resources from coastal storms similar to Hurricane Sandy.

3.3 Policy 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs. (Question 3c)

The Project requires construction of flood and erosion control structures (ex. seawalls, groins, beach renourishment) as well as the construction of nature-based non-structural features. The CSRUMUs are designed to provide 50-years of protection from coastal storms similar to Hurricane Sandy. The Project includes procedures for scheduled maintenance to ensure the CSRUMUs remain effective over this time frame. Should the magnitude of coastal storms increase above conditions predicted for the next 50 years (see RDGRR/EIS for sea level change scenarios used to calculate the 50 year projection), USACE will assess how best to upgrade the CSRUMUs to provide increased protection from such coastal storm events.

3.4 Policy 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations. (Question 3c)

The Project requires construction of flood and erosion control structures (seawalls, groins, floodwalls, bulkheads beach renourishment), as well as the construction of nature-based non-structural features. The design of these structures accounts for subsequent changes that will occur to littoral transport of sediment to adjacent shorelines; these design elements are described in the RDGRR/EIS. Accordingly, as required, construction and operation of the Project CSRUMUs will not increase erosion or flooding at the site or at other locations.

3.5 Policy 15

Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land. (Question 1h)

The Project will result in dredging from a borrow source located approximately 3-4 miles south of the Rockaway Atlantic shorefront. Dredging near this area for other borrow source material has occurred for several USACE-led beachfront renourishment projects; these prior dredging activities have not reduced the natural regenerative powers of the shoreland. Regardless, the natural regenerative powers of the subject project shoreline have decreased such that renourishment, groins, and seawalls are necessary to limit further loss of shoreline sediment due to coastal storms and normal coastal hydrodynamics, and not due to excavation or dredging in coastal waters.



3.6 Policy 16

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features. (Question 3c)

The Project requires construction of flood and erosion control structures (seawalls, groins, floodwalls, bulkheads, and beach renourishment), as well as the construction of natural and nature-based non-structural features. The economic impacts associated with construction and operation of the CSRMUs are significantly lower than the cost to repair damages reasonably anticipated to occur from coastal storms similar to Hurricane Sandy. Economic models are presented in the RDGRR/EIS. Accordingly, the public benefits outweigh the cost to construct and operate the Project CSRMUs.

3.7 Policy 17

Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible. (Question 2b)

The Project will affect and will be located in flood and erosion hazard areas. The CSRMUs will provide flood and erosion control through beach renourishment, seawalls, floodwalls, bulkheads, groins and natural and nature-based non-structural features. The beach renourishment would be considered a non-structural measure. However, beach renourishment alone is not sufficient to minimize damage to nature resources and property from flooding and erosion that this policy seeks to ensure. The RDGRR/EIS includes the results of the analysis showing that non-structural measures alone are insufficient. Accordingly, as structural measures (ex. groins, seawall) are likely necessary to minimize damage to these coastal resources from coastal storms similar to Hurricane Sandy, non-structural measures are also included, where feasible, as applicable.

4 PUBLIC ACCESS POLICIES

4.1 Policy 19

Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities. (Yes to Question 2h; no to Question 1d)

The Project will affect and will be located adjacent to State, County, and local parks. The CSRMUs will protect these resources from damage caused by coastal storms similar to Hurricane Sandy. Additionally, the CSRMUs will not reduce access to public water-related recreation resources or facilities. In fact, the CSRMUs will reduce damage to the transportation systems, parking areas, and pedestrian walkways that occurred during Hurricane Sandy. Additionally, the Project will prevent a decrease in access to and use of recreational areas (e.g. Rockaway Beach and Jamaica Bay) due to flooding that would continue if the Project is not implemented.



4.2 Policy 20

Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses. (Questions 1b and 2h; no to Question 1d)

The Project will physically alter land along the shoreline, land under water, and in coastal waters. These alterations are necessary for the construction of CSRUMUs that will protect coastal land areas from damage caused by coastal storms similar to Hurricane Sandy. These CSRUMUs will not reduce existing or potential public access to the foreshore and to lands immediately adjacent to the foreshore or the water's edge.

5 RECREATION POLICIES

5.1 Policy 21

Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related used along the coast. (Question 3a)

The Proposed Project requires CSRUMUs along the waterfront. The CSRUMUs will not prohibit access to waterfront sites. Additionally, the Project will prevent a decrease in the use of waterfront recreational areas (e.g. Rockaway Beach and Jamaica Bay) that is predicted to otherwise occur if the Project is not implemented (RDGRR/EIS). Additionally, the CSRUMUs will reduce damage to coastal resources from coastal storms similar to Hurricane Sandy.

5.2 Policy 22

Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development. (Questions 1a and 3a)

The Project will result in large physical changes within a coastal area, and the Project will require an EIS. Additionally, the Project is located along waterfront sites. The CSRUMUs will not restrict passive water-related recreational uses or diminish scenic views of the coastal shoreline. The beachfront renourishment along the Atlantic shoreline provides greater area for recreational activities. Additionally, the groins and seawall reduce damage to coastal resources (e.g. Jamaica Bay) caused by coastal storms similar to Hurricane Sandy.

6 HISTORIC AND SCENIC RESOURCES POLICIES

6.1 Policy 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation. (Question 2i)

The Project will affect and be located adjacent to National and NYC historic resources. However, the Project will have a beneficial impact on these resources by protecting them from



damage caused by coastal storms similar to Hurricane Sandy. USACE has closely coordinated the project design with the NY SHPO and Federally-recognized Native American Tribes (a record of coordination is provided in the RDGRR/EIS).

6.2 Policy 25

Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area. (Question 1a)

The Project will require a large physical change to sites within the coastal area which will require the preparation of an EIS. However, by reducing damage to natural and man-made resources from coastal storms similar to Hurricane Sandy, the Project will ultimately protect and enhance the overall scenic quality of the coastal area.

7 ENERGY AND ICE MANAGEMENT POLICIES

7.1 Policy 28

Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding. (Question 1b)

The Project will physically alter land along the shoreline, land under water, and in coastal waters. These alterations are necessary for the construction of CSRMs that will protect coastal land areas from damage caused by coastal storms similar to Hurricane Sandy. Ice management practices are not anticipated to be necessary for these CSRMs.

8 WATER AND AIR RESOURCES POLICIES

8.1 Policy 30

Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards. (Question 3d)

The Project will require State water quality permits or certifications. However, the Project is not anticipated to result in pollutant discharge during construction or operation of the CSRMs.

8.2 Policy 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities. (Question 1a)

The Project will require a large physical change to sites within the coastal area which will require the preparation of an EIS. These alterations are necessary for the construction of CSRMs that will reduce damage to coastal resources caused by coastal storms similar to Hurricane Sandy. The Project will have no impact on the use of alternative or innovative sanitary waste systems in small communities.



8.3 Policy 35

Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands. (Questions 1b, 1h, and 1i)

The Project will physically alter land along the shorelines, land under water, and in coastal waters. These alterations are necessary for the construction of CSRUMUs that will reduce damage to coastal resources caused by coastal storms similar to Hurricane Sandy. The Atlantic shorefront CSRMU will require dredging in a borrow area in coastal waters located approximately 3 miles south of the Rockaway peninsula. Additionally, beach renourishment, construction of seawalls and groins, as well as bulkheads, floodwalls and rock sills along the Jamaica bay shoreline will require placement of constructed elements in submerged coastal areas. The USACE has analyzed the impact from constructing these CSRUMUs on the resources in question, and has concluded that while there will be no significant adverse impacts on these resources, the project will be constructed according to all federal, state and local permit requirements. The methods and results of these analyses are presented in the RDGRR/EIS.

8.4 Policy 37

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters. (Question 1a)

The Project will require a large physical change to sites within the coastal area which will require the preparation of an EIS. These alterations are necessary for the construction of CSRUMUs that will reduce damage to coastal resources caused by coastal storms similar to Hurricane Sandy. Accordingly, the Project will reduce the non-point discharge of soils that otherwise may have been eroded and discharged into coastal waters during coastal storms.

8.5 Policy 38

The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply. (Questions 1a and 3d)

The Project will require a large physical change to sites within the coastal area which will require the preparation of an EIS. These alterations are necessary for the construction of CSRUMUs that will reduce damage to coastal resources caused by coastal storms similar to Hurricane Sandy. The Project will require State water quality permits or certifications. However, the Project CSRUMUs will not encounter bedrock aquifers or surface water drinking water resources. Therefore, the Project will have no impact on surface water or groundwater supplies.

8.6 Policy 41

Land use or development in the coastal area will not cause national or state air quality standards to be violated. (Questions 1a and 3e)

The Project will require a large physical change to sites within the coastal area which will require the preparation of an EIS. These alterations are necessary for the construction of



CSRMUs that will reduce damage to coastal resources caused by coastal storms similar to Hurricane Sandy. Construction of the Project will exceed the *de minimis* Air Quality Thresholds for nitrogen oxides (NO_x), for which a full mitigation plan, per General Conformity Rule (GCR) of the Clean Air Act (CAA) is designed to reduce those thresholds back down to zero, as currently presented for authorization in the RDGRR/EIS.

8.7 Policy 43

Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates. (Questions 1a and 3e)

The Project will require a large physical change to sites within the coastal area which will require the preparation of an EIS. These alterations are necessary for the construction of CSRMUs that will reduce damage to coastal resources caused by coastal storms similar to Hurricane Sandy. Construction of the Project will exceed the *de minimis* Air Quality Thresholds for nitrogen oxides (NO_x), for which a full mitigation plan, per General Conformity Rule (GCR) of the Clean Air Act (CAA) is designed to reduce those thresholds back down to zero, as currently presented for authorization in the RDGRR/EIS.

9 WETLANDS POLICY

9.1 Policy 44

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas. (Questions 1b and 2a)

The Project will physically alter land along the shoreline, land under water, and in coastal waters. The Project will also affect and be located adjacent to tidal wetlands. These alterations are necessary for the construction of CSRMUs that will reduce damage to coastal resources caused by coastal storms similar to Hurricane Sandy. The RDGRR/EIS provides detailed analyses of impacts to fish and wildlife habitat, and any mitigation that is required to compensate for significant (permanent, extensive, long term) losses.

